

REMARKS

Objections to Claim 36:

The Examiner objected to claim 36 as having subject matter inadvertently left out. To correct this omission, claim 36 has now been amended to set forth a *vertically extending outer portion*.

In addition, however, claim 36 has been amended to set forth a *vertically extending inner portion*.

Together, the vertically extending inner and outer portions form a *fluid pooling channel*. This channel is seen in Fig. 11, where *frame holes 113 are disposed in the bottom of the pooling channel*.

In its simplest form, frame 112 forms a circular pooling channel around filter 114. At the bottom of the circular pooling channel are frame holes 113.

The advantage of this claimed design is that the vertically extending inner portion of frame 112 isolates filter 114 from the pooling channel that surrounds it. This provides two benefits.

First, the coffee grains in filter 114 are initially buoyant. If the top end of filter 112 was not isolated from the pooling chamber surrounding it, the floating (buoyant) coffee grains would spill out of the top of filter 112 as the fluid level in the cup reached holes 113. The user would then be drinking floating coffee grains through the hole in lid 115.

Second, the person using the invention will see the fluid rising up through frame hole(s) 113 when the cup is filled.

Together, these above features prevent overfilling, while maximizing the amount of

fluid that can be poured into the cup.

Optionally, the claimed vertically extending portion of the frame preferably holds the top end of filter 112 against lid 115, forming a seal with lid 115 such that coffee grains do not spill out of filter 112 and into the drinking cup.

Objections and Rejections to Claim 43:

First, the Examiner stated that claim 43 should not refer to a “drinking cup filter assembly” since the drinking cup and filter were not positively recited. Suitable amendment has now been made to remove these terms.

Second, the Examiner rejected claim 43 as being obvious over MacDonald in view of McKnight. In setting forth this rejection, the Examiner stated that MacDonald’s vertically extending filter support supports filter C within the drinking cup.

Claim 43 has been amended (similar to claim 36) such that the Applicant is now claiming a vertically extending inner portion, and a vertically extending outer portion. Together, these two vertically extending portions form a pooling channel (with holes 113 at the bottom of the channel, as described above.

None of these presently claimed features are seen in MacDonald.

In view of the forgoing amendments and remarks, reconsideration and withdrawal of the present rejections are respectfully requested.

CONCLUSION

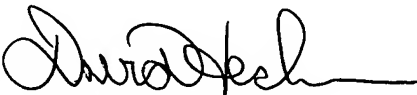
For the reasons presented above, all pending claims are believed to be in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner believes that it would facilitate prosecution, the Examiner is requested to contact Applicants' Attorney, David R. Heckadon at (415) 875-3266.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account **50-1990**, referencing to Attorney Docket No. **VGUE 1038474**. and please credit any excess fees to such deposit account.

Respectfully submitted,

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